

# **EXHIBIT C**

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**ARNOLD & PORTER**212.715.1000  
212.715.1399 Fax399 Park Avenue  
New York, NY 10022-4690**Fax Transmittal**

November 13, 2003

<b>RECIPIENT NAME(S)</b>	<b>RECIPIENT FAX NUMBER(S)</b>	<b>RECIPIENT TELEPHONE NUMBER(S)</b>
H. Gray Laird, III, Esq.	(601) 420-0033	(601) 420-0333
<b>SENDER</b>	<b>SENDER'S TELEPHONE NUMBER</b>	
Dorothy Giobbe	(212) 715-1182	
<b>CLIENT/MATTER NUMBER</b>	<b>TIMEKEEPER NUMBER</b>	<b>NUMBER OF PAGE(S)</b>
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**MESSAGE**

Please see attached.

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# ARNOLD & PORTER

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Dorothy Nicole Giobbe  
Dorothy\_Giobbe@aporter.com

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212.715.1399 Fax

34th Floor  
399 Park Avenue  
New York, NY 10022-4690

November 13, 2003

VIA FACSIMILE

H. Gray Laird, III  
Page, Kruger & Holland, P.A.  
Post Office Box 1163  
Jackson, MS 39215-1163

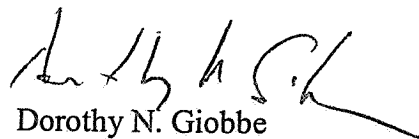
Re: *Linda Harmon, et al.*, MDL Case No. 02-20082; *Duwanda Robbins, et al.*, MDL Case No. 02-20081; *Janice Binion, et al.*, MDL Case No. 02-20119; *Lillian Chandler, et al.*, MDL Case No. 02-20120; *Patricia Mosley, et al.*, MDL Case No. 02-20122; *Mary F. Sanders, et al.*, MDL Case No. 02-20121; and *Brenda Stallings, et al.*, MDL Case No. 02-20118

Dear Gray:

Attached please find copies of the releases signed by the plaintiffs referred to in Wyeth's Motion to Dismiss Certain Plaintiffs (Exhibit I to Wyeth's motion). Please note that these releases have been filed under seal.

Please do not hesitate to contact me if you have any questions.

Very truly yours,

  
Dorothy N. Giobbe

Attachments

## **EXHIBIT D**



Paul B. Kerrigan • 215.851.8254 • pkerrigan@reedsmith.com

November 14, 2003

**DOCUMENTS TO BE FILED UNDER SEAL**

**VIA MESSENGER**

Mr. Michael E. Kunz  
Clerk of the Court  
United States District Court for the  
Eastern District of Pennsylvania  
United States Courthouse  
601 Market Street -- Room 2609  
Philadelphia, PA 19106

**Re: In re: Diet Drugs Products Liability Litigation,  
MDL Docket No. 1203 (E.D. Pa.)**

**Linda Harmon, et al. v. Wyeth-Ayerst Pharmaceuticals, Inc., et al.,  
Civil Action No. 02-20082 (E.D. Pa.)**

**Duwanda Robbins, et al. v. Wyeth-Ayerst Pharmaceuticals, Inc., et al.,  
Civil Action No. 02-20081 (E.D. Pa.)**

**Janice Binion, et al., v. Wyeth-Ayerst Pharmaceuticals, Inc., et al.,  
Civil Action No. 02-20119 (E.D. Pa.)**

**Lillian Chandler, et al. v. Wyeth-Ayerst Pharmaceuticals, Inc., et al.,  
Civil Action No. 02-20122 (E.D. Pa.)**

**Patricia Mosley, et al. v. Wyeth-Ayerst Pharmaceuticals, Inc., et al.,  
Civil Action No. 20122 (E.D. Pa.)**

**Mary F. Sanders, et al. v. Wyeth-Ayerst Pharmaceuticals, Inc., et al.,  
Civil Action No. 02-20121 (E.D. Pa.)**

**Brenda Stallings, et al. v. Wyeth-Ayerst Pharmaceuticals, Inc., et al.,  
Civil Action No. 02-20118 (E.D. Pa.)**

- *Exhibit I to Appendix of Exhibits in Support  
Of Wyeth's Motion to Dismiss Certain Plaintiffs*

Dear Mr. Kunz:

I enclose in the attached envelope a document for filing under seal in the above-captioned actions pursuant to Section III(D) of the Clerk's Office Procedural Handbook. The document title is:

2500 One Liberty Place  
1650 Market Street  
Philadelphia, PA 19103-7301  
215.851.8100  
Fax 215.851.1420  
Delaware  
New Jersey  
New York  
Pennsylvania  
Virginia  
Washington, DC

reedsmith.com

Mr. Michael E. Kunz  
November 14, 2003  
Page 2

ReedSmith<sup>LLP</sup>

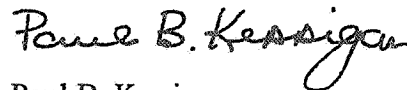
• *Exhibit I to the Appendix of Exhibits in Support of Wyeth's Motion to Dismiss Certain Plaintiffs*<sup>1</sup>

The documents that comprise Exhibit I contain Confidential Information covered by Nationwide Class Action Settlement Agreement between American Home Products Corporation <sup>2</sup> and certain plaintiffs in the actions that are the subject of Wyeth's motion, as well as information protected by provisions of Pretrial Order Nos. 467 and 517 in MDL 1203 Diet Drugs Products Liability Litigation. The copies of the pleading furnished to the Court, the Special Discovery Master, and counsel for plaintiffs contain all of the documents that comprise Exhibit I, as does the original being filed under seal. Copies of the pleading being served on counsel of record do not contain all of the documents that comprise Exhibit I, but have a single sheet that identifies the individual plaintiff to whom the documents being filed under seal pertain.

Please file under seal the enclosed Exhibit I documents to the Appendix of Exhibits, which is Document # 230341 on Docket 2:12md1203.

If you have any questions, please do not hesitate to contact me.

Respectfully,



Paul B. Kerrigan

/pbk

Enclosure

cc: Honorable Harvey Bartle, III (w/encl.) (Via Hand Delivery)  
Gregory P. Miller, Esquire (w/encl.) (Via Hand Delivery)  
H. Gray Laird, Esquire (w/encl.) (Via UPS Overnight Delivery)  
Wilbur O. Colum, Esquire (w/encl.) (Via UPS Overnight Delivery)  
All MDL 1203 Lead and Liaison Counsel (w/encl.) (Via First-Class Mail)  
Ms. Deborah A. Hyland (w/encl.) (Via First-Class Mail)

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<sup>1</sup> When the Appendix was filed and served on October 24, 2003 with the Motion and supporting Memorandum, Wyeth did not have all of the settlement documents and releases that comprise Exhibit I. In footnote 6 of it Memorandum at page 5, Wyeth stated that it would supplement Exhibit I in the Appendix of Exhibits and that it would file these document under seal.

<sup>2</sup> On March 11, 2002, American Home Products Corporation changed its name to Wyeth.

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE DIET DRUGS  
(PHENTERMINE/FENFLURAMINE/  
DEXFENFLURAMINE) PRODUCTS  
LIABILITY LITIGATION

MDL No. 1203

**CONFIDENTIAL**  
**FILED UNDER SEAL**

**CONFIDENTIAL**  
**FILED UNDER SEAL**

SHEILA BROWN, *et al.* v. AMERICAN  
HOME PRODUCTS CORPORATION

Civil Action No. 99-20593

This document relates to:

LINDA HARMON, *et al.* v. WYETH-  
AYERST PHARMACEUTICALS, INC., *et*  
*al.*;

Civil Action No. 02-20082

DUWANDA ROBBINS, *et al.* v. WYETH-  
AYERST PHARMACEUTICALS, INC., *et*  
*al.*;

Civil Action No. 02-20081

JANICE BINION, *et al.* v. WYETH-  
AYERST PHARMACEUTICALS, INC., *et*  
*al.*;

Civil Action No. 02-20119

LILLIAN CHANDLER, *et al.* v. WYETH-  
AYERST PHARMACEUTICALS, INC., *et*  
*al.*;

Civil Action No. 02-20120

PATRICIA MOSLEY, *et al.* v. WYETH- ) Civil Action No. 02-20122  
AYERST PHARMACEUTICALS, INC., *et* )  
*al.*; )  
)

MARY F. SANDERS, *et al.* v. WYETH- ) Civil Action No. 02-20121  
AYERST PHARMACEUTICALS, INC., *et* )  
*al.*; )  
)  
)  
)  
- and - )

BRENDA STALLINGS, *et al.* v. WYETH- ) Civil Action No. 02-20118  
AYERST PHARMACEUTICALS, INC., *et* )  
*al.* )  
)

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**EXHIBIT I TO APPENDIX OF EXHIBITS IN SUPPORT OF WYETH'S MOTION TO  
DISMISS CERTAIN PLAINTIFFS IN THE ABOVE-CAPTIONED ACTIONS**

**CONFIDENTIAL**

**FILED UNDER SEAL**

This document, Exhibit I to the Appendix of Exhibits in the above-captioned actions (Document # 203341), contains **CONFIDENTIAL INFORMATION** covered by the terms of a Nationwide Class Action Settlement Agreement between American Home Products Corporation and certain plaintiffs in the above-captioned actions, as well as **CONFIDENTIAL INFORMATION** protected by the provisions of Pretrial Order Nos. 467 and 517.

It is submitted under seal pursuant to the provisions of the foregoing Pretrial Orders and pursuant to Section III(D) of the Clerk's Office Procedural Handbook for this District. The confidential contents of this document may not be disclosed without express order of the Court.

Title of filed document:

*Exhibit I to the Appendix of Exhibits to Wyeth's  
Motion to Dismiss Certain Plaintiffs (filed  
October 24, 2003; Document # 203341)<sup>1</sup>*

At the time Wyeth's Motion was filed, all of the documents that comprise Exhibit I were not available and Wyeth respectfully requests that the Clerk file these documents under seal and attach them under seal as Exhibit I to the Appendix of Exhibits (Document # 203341) filed with Wyeth's Motion and supporting Memorandum in the above-captioned actions.

Respectfully submitted,



Peter L. Zimroth  
Anand Agneshwar  
Dorothy N. Giobbe  
ARNOLD & PORTER  
399 Park Avenue  
New York, NY 10022-4690  
(212) 715-1000

Michael T. Scott  
Paul B. Kerrigan  
REED SMITH LLP  
2500 One Liberty Place  
1650 Market Street  
Philadelphia, PA 19103-7301  
(215) 851-8100

Date: November 14, 2003

Attorneys for Wyeth

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<sup>1</sup> The Document Number for Wyeth's Motion and supporting Memorandum of Law, which was filed simultaneously with the Appendix of Exhibits, is # 203340.

**EXHIBIT L TO APPENDIX OF EXHIBITS IN SUPPORT OF**  
**WYETH'S MOTION TO DISMISS CERTAIN PLAINTIFFS**  
**(Document # 203341)**

**(FILED UNDER SEAL)**

**Robert Fulton McDaniel**  
*Binion, 02-20019*

**Anthony Earl Sykes**  
***Binion, 02-20119***

**Lillian Chandler**  
***Chandler, 02-20120***

**Felicia Edwards**  
*Harmon, 02-20082*

**Donna Murphy**  
*Harmon, 02-20082*

**Johnny Earl Clark**  
***Stallings, 02-20018***

CERTIFICATE OF SERVICE

The undersigned hereby certifies that Exhibit I to the Appendix of Exhibits in Support of Wyeth's Motion to Dismiss Certain Plaintiffs was served this 14<sup>th</sup> day of November 2003 upon the following with the Confidential Information enclosed:

Honorable Harvey Bartle III  
United States District Court for the  
Eastern District of Pennsylvania  
16614 U. S. Courthouse  
601 Market Street  
Philadelphia, PA 19106-1752

HAND DELIVERY

Gregory P. Miller, Esquire  
Special Discovery Master  
Miller, Alfano & Raspanti, P.C.  
1818 Market Street, Suite 3402  
Philadelphia, PA 19103

HAND DELIVERY

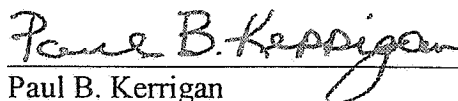
H. Gray Laird, Esquire  
Page, Kruger & Holland, P.A.  
10 Canebrake Boulevard, Suite 200  
Jackson, MS 39232  
*(Attorney for Plaintiffs)*

UPS OVERNIGHT

Wilbur O. Colum, Esquire  
The Colum Law Firm  
406 Third Avenue North  
Columbus, MS 39703  
*(Attorney for Plaintiffs)*

UPS OVERNIGHT

and without the Confidential Information enclosed by U.S. first-class mail, postage prepaid, upon all other counsel required to be served by Pretrial Order No. 19.

  
Paul B. Kerrigan

Date: November 14, 2003

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of Wyeth's Reply to Plaintiffs' Response to Wyeth's Motion to Dismiss Certain Plaintiffs in the *Linda Harmon, Duwanda Robbins, Janice Binion, Lillian Chandler, Patricia Mosley, Mary Sanders, and Brenda Stallings* action was served this 4<sup>th</sup> day of December 2003 by UPS Overnight Delivery upon counsel for plaintiffs in the foregoing actions addressed as follows:

Brian A. Clark, Esquire  
Page, Kruger & Holland, P.A.  
10 Canebrake Boulevard, Suite 200  
Jackson, MS 39232  
(Attorney for Plaintiffs)

Wilbur O. Colum, Esquire  
The Colum Law Firm  
406 Third Avenue  
Columbus, MS 39703  
(Attorney for Plaintiffs)

and by U.S. first-class mail, postage prepaid, upon all other counsel of record in the foregoing actions and all counsel required to be served by Pretrial Order No. 19.

  
Paul B. Kerrigan

Date: December 4, 2003